



JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
SPECIAL SESSION OF 1944

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TUESDAY, MARCH 21, 1944

PROCLAMATION BY THE GOVERNOR

WHEREAS, It is necessary to provide special legislation in order that our citizens in the armed forces may enjoy their constitutional privilege of the ballot, and believing that every opportunity should be given them to exercise this privilege,

I, therefore, Robert O. Blood, Governor, with the advice and consent of the Council, hereby summon the General Court to assemble at the State House, Concord, New Hampshire, Tuesday, the twenty-first day of March, 1944, at 10:00 A. M.

ROBERT O. BLOOD,
Governor.

By His Excellency, the Governor, with the advice of the Council.

ENOCH D. FULLER,
Secretary of State.

In pursuance of the foregoing proclamation, the House of Representatives having assembled in the Capitol in the City of Concord, in said State, on Tuesday, March 31, 1944, being the day designated in the foregoing proclamation by His Excellency, the Governor, they were called to order by the Speaker.

Prayer was offered by the Rev. Richard F. Byers of Concord.

Resolutions

On motion of Mr. Sawyer of Woodstock.

Resolved, That the Honorable Senate be notified that the House of Representatives has assembled in accordance with the proclamation of His Excellency, the Governor, and is now ready to proceed with the business of the session.

On motion of Mr. Potter of Concord.

Resolved, That the calling of the roll be dispensed with and that the method of taking attendance adopted by the House in regular session be adopted for the Special Session.

Roll of House

Rockingham County

Atkinson	Thomas C. Duffey
Auburn	Harvey F. Stowe
Brentwood	Burton L. Smith
Candia	William E. Shaw
Chester	Edwin P. Jones
Danville	Mahlon B. Darbe
Deerfield	Carl M. Fogg
Derry	Harry E. Clark
	Harold W. Corson
	William B. Cushing
	Oliver H. Hepworth
	Robert Morrison
East Kingston	George B. Freeman
Epping	D. Watson Ladd
Exeter	Helen D. Bourne
	Paul A. Bretschneider
	Edward J. Campbell**
	Frank R. Goodale

Fremont	Moses H. Sanborn
Greenland	Arthur J. Sewall
Hampstead	Doris M. Spollett
Hampton	Dean B. Merrill
	Byron E. Redman
Hampton Falls	Forrest B. Creighton
Kensington	John R. Malloy
Kingston	Warren S. Keay
Londonderry	Draper W. Parmenter
New Castle	James W. Pridham
Newfields	Eugene C. Patridge
Newington	Myles Standish Watson
Newmarket	Arthur A. Labranche
	Albert Sewall
Newton	William K. Davis
North Hampton	Paul W. Hobbs
Northwood	Robert A. Johnson
Nottingham	Arthur W. McDaniel
Plaistow	Wallace E. Card
Portsmouth—	
Ward 1	Andrew J. Barrett
	Mary C. Dondero
	Patrick J. Kittredge
Ward 2	Guy E. Corey
	Harry E. Furber
	Remick H. Laighton
	John H. Yeaton
Ward 3	John Leary
	James T. Whitman
Ward 4	Edward J. Hopley
	Fred Schlegel**
Ward 5	John Burkhardt
Raymond	Lewis W. Holmes
Rye	Ernest A. Tucker
Salem	Walter F. Haigh
	Benning W. Noyes
	Leonard B. Peever

Sandown	Henry E. Rand
Seabrook	Ernest L. Crandall
Stratham	W. Douglas Scamman
Windham	Myron C. Wheeler

Strafford County

Barrington	Harold E. Flower
Dover—	
Ward 1	Henry J. Croft Albert P. Sherry Hubert C. Stanley
Ward 2	Albert Courchene James M. Jackson William N. Shaheen
Ward 3	H. Howard Hartford Ray Kennard
Ward 4	Edwin L. Corson George I. Leighton Ernest L. Lucas
Ward 5	Edward L. Cassily
Durham	Oren V. Henderson
Farmington	Carl C. Blanchard Ruby A. Chesley Frank E. Webster
Lee	William H. Lee
Madbury	Gilman H. Twombly
Milton	George W. Longley
New Durham	William Smith
Rochester—	
Ward 1	Ernest L. Rolfe
Ward 2	Margaret E. Dustin Miles H. Dustin
Ward 3	Rudolph G. Cartier
Ward 4	Aurelle Beaudoin George J. Potvin
Ward 5	Herbert D. Corson Joshua Studley

Rochester—

Ward 6	Llewellyn F. Fernald Walter J. Seavey*
Rollinsford	Herbert F. Cole
Somersworth—	
Ward 1	Oscar Lemay
Ward 2	Napoleon A. Habel
Ward 3	Fred J. Lauzon
Ward 4	Albert J. Nadeau Romeo L. St. Laurent
Ward 5	Fred J. Coffin
Strafford	Ellsworth H. Berry

Belknap County

Alton	Oe Varney
Barnstead	Joseph H. Cotton
Belmont	Samuel P. Philbrick
Gilford	Arthur H. Lord
Gilmanton	Richard F. Varney

Laconia—

Ward 1	David O'Shan George W. Tarlson
Ward 2	Alfred L. Guay Fortunat A. Normandin
Ward 3	Elmer S. Tilton
Ward 4	Joseph H. Roucher*
Ward 5	Charles F. Stafford Malcolm E. Barney
Ward 6	Forrest A. Bucklin John M. Ewing Charles O. Hopkins
Meredith	Norman R. Martin** J. Frank Neal
New Hampton	Joseph W. Smith
Sanbornton	Walter D. Woodman
Tilton	Ned C. Rogers

Carroll County

Bartlett	Fred J. Perkins
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Conway	Mellen B. Benson Ralph L. Grindle Leslie C. Hill
Effingham	Richard Dearborn
Jackson	Arthur P. Gale
Moultonborough	Edith D. Banfield
Ossipee	Harry P. Smart
Sandwich	Perley C. Knox
Tamworth	Frank P. Evans
Wakefield	Alden N. Young
Wolfeboro	Harold H. Hart George F. Thibodeau**

Merrimack County

Allenstown	Narcisse V. Guilbeault
Andover	Victor E. Phelps
Boscawen	Daniel P. Webster
Bow	Asa H. Morgan
Bradford	Reuben S. Moore
Canterbury	Sterling A. Hirtle
Chichester	Leon A. Sanborn
Concord—	
Ward 1	Charles P. Coakley James P. Ferrin
Ward 2	Ralph W. Jones
Ward 3	Elmer M. Anderson
Ward 4	William J. Dane* Sara E. Otis Robert W. Potter
Ward 5	George H. Nash Wells E. Tenney
Ward 6	George H. Corbett Charles G. Roby Donald W. Saltmarsh Frank R. Strong John C. Tilton

Concord—

Ward 7	Leon W. Anderson Shirley Brunel John E. Bunten Marjorie M. Greene Donald G. Matson
Ward 8	Everett S. Mahoney John H. Mayo
Ward 9	John T. Harrison John Swenson
Danbury	Roy K. Sargent
Dunbarton	C. Allen Fuller, Jr.
Epsom	Russell S. Yeaton
Franklin—	
Ward 1	Malcolm W. Conant George W. Fowler
Ward 2	Eusebe P. Lemire J. Charles Riel
Ward 3	Alvah J. Davis Louis H. Douphinett
Henniker	Lester E. Connor
Hill	Ruth M. Rounds
Hooksett	Carl R. N. Johnson Charles E. Mulaire
Hopkinton	Lewis A. Nelson
Loudon	Archie L. Hill
Newbury	Albert W. Cheney
New London	Stanley A. Spiller
Northfield	Albert A. Carr
Pembroke	George R. Lea Leopold Martel
Pittsfield	John H. Perkins Richard J. Stilson
Salisbury	Fred W. Holmes
Sutton	James M. Nelson
Warner	John P. H. Chandler, Jr.
Wilmot	Allan C. Lister

Hillsborough County

Amherst	Ralph C. Bills
Antrim	Herbert E. Wilson
Bedford	Ralph M. Wiggin
Bennington	George E. Edwards
Brookline	Grover C. Farwell
Deering	Stuart H. Michie
Goffstown	Maurice E. Blaisdell** Fred M. Cressy
	A. Kenneth Hambleton**
	R. Robert Matheson
Greenfield	Hobart M. Adams
Greenville	Bernadette E. Charois
Hancock	William Weston
Hillsborough	Bert L. Craine Merrick S. Crosby
Hollis	Edward Lievens
Hudson	Roland W. Abbott Ezra Kenerson William Marsh
Lyndeborough	Erwin E. Cummings
Manchester—	
Ward 1	Frank J. Abbott Harry W. Bergholtz Hugh Davey O'Dowd J. Walker Wiggin
Ward 2	Robert E. Carter** Perley W. Gage Victor C. Johnson Charles V. Kimball Harmon L. McIntire
Ward 3	Timothy F. Dowd Michael J. Dwyer Timothy J. Shea** Walter P. Sullivan Joseph M. Barry

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Manchester—

Ward 4	Dominick J. Kean Dennis F. Mahoney Thomas J. McGowan Patrick J. Sullivan
Ward 5	Patrick J. Creighton Napoleon Dulac Joseph P. Healy Martin L. Mahoney John C. O'Brien George Panteli Charles J. Rogala
Ward 6	Roger W. Bresnahan Edward Joseph Cavanaugh Edward D. Clancy John L. Dugan Patrick J. O'Connell, Jr.** John Edward Walsh**
Ward 7	Joseph C. Gaumont Charles J. Leclerc Patrick J. Ryan Alonzo J. Tessier Gedeon A. Turcotte
Ward 8	Francis W. Collins George N. Constant John J. Kane Armand H. LeMarier Lionel C. Forest
Ward 9	Clarence F. Adams John F. Driscoll Patrick J. Egan
Ward 10	Marye L. Caron Oscar E. Getz, Sr. Medora Gilmartin Paul J. Kendrigan
Ward 11	Patrick J. Kenney Alex J. McDonnell John B. Mullen Joseph J. Roukey**

Manchester—

Ward 12	Henri O. Huard Raoul J. Lalumiere Alpha J. Letendre Albert H. Prince*
Ward 13	Hector J. Rousseau Charles E. Daniel** Theophile Gagnon Origene E. Lesmerises Arthur H. St. Germain
Ward 14	Arthur Thibodeau J. Theodore Flodin William Ronan Michael P. Wedick
Merrimack	Edward W. Carter
Milford	Charles S. Emerson George J. Jewett Fred T. Wadleigh

Nashua—

Ward 1	Walter N. Davis Alice L. Ramsdell George W. Underhill Charles I. Woodbury
Ward 2	Antoine Albert Guertin J. Leonard Sweeney Clara M. Record
Ward 3	Emile Carrier Wilbur D. Maynard Hector Trombly
Ward 4	Arthur J. Garrity Timothy J. Sullivan
Ward 5	Arthur Bilodeau Emile E. Marquis Albert Maynard
Ward 6	Noel C. Landry Louis W. Paquette Albert D. Richard

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Nashua—

Ward 7	Alfred Betters William J. Lavoie Dennis F. Sweeney
Ward 8	Samuel J. Bellavance Wilfrid J. Grandmaison Honore D. LeBlanc Leonard G. Velishka William J. Wilcox
Ward 9	Paul E. Bouthillier David Dion
New Boston	Albert E. Shedd
New Ipswich	William T. Thompson
Pelham	Ernest Q. Bigelow
Peterborough	William H. Caldwell George A. Myhaver
Weare	Frank H. Peaslee
Wilton	Daniel R. Batchelder Peter J. Dugan

Cheshire County

Alstead	Benjamin H. Bragg
Chesterfield	E. James Winslow
Dublin	John R. Gleason, Sr.**
Fitzwilliam	George F. Miller
Gilsum	Carlos D. Wilson
Harrisville	John N. Clark
Hinsdale	Abbie H. Robertson
Jaffrey	George H. Duncan** Charles Morris Mills

Keene—

Ward 1	Daniel Reed Chaplin Jeremiah J. Keating Chandler B. McAllister
Ward 2	Guy F. Lombard* Dayton L. Park
Ward 3	Wakefield Dort Wallace E. Mason

Keene—

Ward 4	Harry C. Lichman** Robert M. Sayers, Sr.
Ward 5	John M. Duffy Laurence M. Pickett
Marlborough	Benjamin G. Hall
Ridge	Henry M. Hale
Swanzey	Ralph A. Blake Walter F. Oakman
Troy	John N. Grimes
Walpole	Arthur H. Chickering, Jr. Harold O. Pierce
Westmoreland	Oscar W. Billings
Winchester	Frederick H. Ingham Luman R. Nelson

Sullivan County

Acworth	March Clark
Charlestown	Frank W. Hamlin
Claremont	George W. Angus Alexis Beaudry
	William F. Bissonett
	Clara P. Brooks
	Sydney B. Converse
	Clifton E. Densmore
	Calvin Oakes
	Martin Pederson
	David S. Ramsay
	William A. Sterling
Cornish	William E. Beaman
Grantham	George W. Hastings
Newport	Elsie C. Bailey
	Maurice F. Hall
	Eugene E. Harrington
	Leon E. Kempton
Plainfield	Lena A. Read
Springfield	Edith B. Gardner
Sunapee	Maurice G. Chase
Unity	George S. Callum

Grafton County

Alexandria	Harry D. Rollins
Ashland	William A. Brown
Bath	Amos N. Blandin
Bethlehem	Orlando M. Ramsey*
Bristol	James B. Lidstone
Campton	Bertram W. Pulsifer
Canaan	Frank B. Clarke
Enfield	Earl S. Hewitt
Franconia	Richard A. Bowles
Hanover	Grace F. Batchelder
	Charles A. Holden
	Howard N. Kingsford
Haverhill	Lewis E. Davison
	Norman A. McMeekin
	Herbert C. Merrill
Holderness	Harold E. Haley
Landaff	Roscoe J. Oakes
Lebanon	Arthur F. Adams
	Frank J. Bryant
	William J. B. Cannell
	Norris Cotton**
	Frank F. Hough
	Fred A. Jones
Lincoln	Sherman Adams
Lisbon	James E. Collins
	Arthur L. Hamilton
Littleton	Mabel M. Downing
	J. Herbert Fogg
	Frederick E. Green
	Charles E. Magoon
Lyman	Clara K. Birch
Lyme	Martha E. Lamphere
Monroe	Robert S. Frazer
Orange	Otis F. Lynch
Orford	Charles L. Cushman
Piermont	Ernest L. Day

Plymouth	Kenneth G. Bell Harry A. Merrill
Rumney	Jesse A. Barney
Thornton	Kenneth W. Robbins
Warren	Ira H. Morse
Wentworth	Charles A. Gilbert
Woodstock	Harry D. Sawyer

Coos County

Berlin—

Ward 1	James J. Baker Edward F. Hinckey Henry M. Moffett Elisabeth H. Mason Henry A. Smith
Ward 2	Dieudonne Boulay Harry L. Henderson Clara A. Lazure Georgianna L. Trottier
Ward 3	Hilda C. F. Brungot Marie A. Christiansen Arthur L. Thomas
Ward 4	Esther C. Bixby Alphonsine M. Dugas Fred G. Hayes, Jr. Victor N. Laforce
Carroll	Joseph A. Seymour
Colebrook	Samuel I. Bailey Curtis C. Cummings
Columbia	George A. Jackson
Dalton	William O. Emerson
Gorham	Charles A. Chandler James A. Fraser
Jefferson	Raymond G. Kimball
Lancaster	Arthur C. Cryan Lula J. A. Morris Blake T. Schurman

Milan	Lloyd E. Fogg
Millsfield	Henry H. Nadig
Northumberland	Charles E. Pelletier*
	Nelson D. Rich
Pittsburg	Fay C. Merrill
Stewartstown	Herbert Forrest
Stratford	True G. Martin
Whitefield	Carl E. Taylor
	George W. Whitcher

* Deceased.

** Resigned.

Resolutions

Mr. Wiggin of Manchester offered the following resolution:

Resolved, By the House of Representatives, the Senate concurring, that the Joint Rules of the last regular session of the Legislature be the Joint Rules of this special session of the Legislature, unless otherwise ordered, except that no bill, joint resolution, claim outstanding on the first day of the session, or petition relating to new business, shall be received in either branch of the Legislature, unless reported by the Committee on Rules of either branch provided that this rule may be suspended in either house whenever a two-thirds of the whole number of members shall, on division, take vote in favor thereof, and not otherwise.

The question being on the resolution.

(Discussion ensued)

Messrs. Wiggin of Manchester and Normandin of Laconia spoke in favor of the resolution.

Mr. Angus of Claremont spoke against the resolution.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Hart of Wolfeboro,

Resolved, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 2:00 o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make and for the transaction of such other business as may properly come before the convention.

On motion of Mr. Johnson of Northwood,

Resolved, That the rules of the House for the last session be the rules of the House for the present session until otherwise ordered by the House.

On motion of Mr. Schurman of Lancaster,

Resolved, That unless otherwise ordered, the hours of assembling of the House be at 10:15 o'clock in the forenoon and 12:01 o'clock in the afternoon.

On motion of Mr. Weston of Hancock,

Resolved, That the Speaker be authorized to appoint a chaplain for the Special Session.

Committee Appointment

The Speaker announced the appointment of J. Walker Wiggins of Manchester as a member of the Rules Committee.

Resignations

The Speaker announced the following resignations:

Dear Mr. Speaker:

Having accepted the position as Acting Postmaster at Meredith, New Hampshire, it becomes necessary for me to tender my resignation effective this day, March 16, 1944, as a representative to the General Court of New Hampshire.

Very truly yours,

NORMAN R. MARTIN
of Meredith

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Dear Mr. Speaker:

Having accepted a position with the State Forestry Department it will be impossible for me to serve for the remainder of the term as a member of the House.

Will you kindly accept my resignation at this time?

Sincerely yours,

MAURICE E. BLAISDELL
of Goffstown

Dear Mr. Speaker:

Having been appointed by the Supreme Court of New Hampshire as member of the State Tax Commission, I hereby tender my resignation as a member of the House of Representatives, effective this day.

Respectfully submitted,

GEORGE H. DUNCAN
of Jaffrey

Dear Mr. Speaker:

I have been inducted and sworn into the Army of the United States of America, and, therefore, I hereby tender through you my resignation as The Member from Dublin, of The General Court of New Hampshire; said resignation to become effective immediately.

Respectfully submitted,

JOHN R. GLEASON
of Dublin

Dear Mr. Speaker:

Due to the fact that I desire to avail myself of the privilege of volunteering my services to the armed forces of my country, I am herewith submitting my resignation from the House of Representatives.

HARRY C. LICHMAN
of Keene

Resolutions

On motion of Mr. Sayers of Keene,

Whereas, the House of Representatives has learned with sorrow of the death of our fellow member, Guy F. Lombard, Representative from Keene, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

On motion of Mr. Leclerc of Manchester,

Whereas, the House of Representatives has learned with sorrow of the death of our fellow member, Albert H. Prince, Representative from Manchester, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

On motion of Mr. Hamilton of Lisbon,

Whereas, the House of Representatives has learned with sorrow of the death of our fellow member, Orlando M. Ramsey, Representative from Bethlehem, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

On motion of Mr. Studley of Rochester,

Whereas, the House of Representatives has learned with sorrow of the death of our fellow member, Walter J. Seavey, Representative from Rochester, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

On motion of Mrs. Otis of Concord,

Whereas, the House of Representatives has learned with sorrow of the death of our fellow member, William J. Dane, Representative from Concord, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

On motion of Mrs. Morris of Lancaster,

Whereas, Elisabeth H. Mason, Representative from Berlin, is very ill, and

Whereas, Mrs. Mason is well known to us all by reason of her long membership in the House of Representatives where she has served on important committees, being, at present, in addition, Chairman of the Coos County Delegation, therefore

Be It Resolved, That we express to our fellow member our deep sympathy to her in her illness and extend our hopes and best wishes for a speedy return to health, and

Be It Further Resolved, That the Clerk of the House transmit to her a copy of these resolutions.

On motion of Mr. Taylor of Whitefield,

Whereas, the House of Representatives has learned with sorrow of the death of our fellow member, Charles E. Pelletier, Representative from Northumberland, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family, and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

Appointment of Pages

The Speaker announced the appointment of the following pages to fill vacancies:

Wells Tenney, Jr., Lee Loveland and Henry E. Lynch, of Concord.

Senate Message

A message from the Honorable Senate announced that the Senate had voted to adopt the following resolutions:

Resolved, That the House of Representatives be informed that in pursuance of the proclamation of His Excellency, the Governor, the Senate has assembled and is now ready to proceed with the business of the Special Session.

Resolved, That the House of Representatives be notified that the Senate will be ready to meet the House in Joint Convntion at two o'clock for the purpose of receiving His Excellency, the Governor, and any communication he may be pleased to make, and for the transaction of such other business as may properly come before the convention.

The message further announced that the Senate had voted to adopt the following Concurrent Resolution, sent down from the House of Representatives:

Resolved, By the House of Representatives, the Senate concurring, that the Joint Rules of the last regular session of the Legislature be the Joint Rules of this Special Session of the Legislature, unless otherwise ordered, except that no bill, joint resolution,

claim outstanding on the first day of the session, or petition relating to new business, shall be received in either branch of the Legislature, unless reported by the Committee on Rules of either branch, provided that this rule may be suspended in either House whenever two-thirds of the whole number of members shall, on division, take vote in favor thereof, and not otherwise.

Qualified

The following named Representatives having qualified before His Excellency, the Governor, appeared and took their seats as members of the House:

Messrs. John W. Brown and Nathan A. Tirrell of Goffstown and Norris Cotton of Lebanon.

Resolution

On motion of Mr. Wiggin of Manchester,

Resolved, That the House be in recess until 2:00 o'clock this afternoon, out of respect to the memory of the late Most Reverend John B. Peterson, D.D., Bishop of the New Hampshire diocese of the Roman Catholic Church.

Recess

After Recess

In Convention

Both branches being in convention, His Excellency, the Governor, appeared and delivered the following message:

MESSAGE TO THE SPECIAL SESSION OF THE LEGISLATURE

By His Excellency Governor Robert O. Blood

We meet here today in what I am informed is the seventh special session of the state legislature. We assemble to enact legislation necessary to enable our absentee voters to exercise their privilege of franchise. I believe that the practice of the state in days past of enacting all general legislation in regular sessions is a sound one, and that special sessions should be called only to meet extraordinary and unforeseeable conditions, and that when called, they should deal only with such matters as may not await action at the next regular session.

Today we face the imperative necessity for such action. The present war has called the men and women of our armed forces to points so far distant that in the days immediately ahead they will be unable, under our present laws, to exercise their franchise as voters. I believe that they have an especial right to the ballot, for they are giving the "last full measure of devotion" to preserve the privilege of men to vote and live as freemen. It is for this particular purpose that this session has been called.

At the 1943 session of the Legislature we approved a bill permitting absentee voting for all candidates for public office including that of President. By that statute we provided the mechanics to permit the soldiers to vote for candidates for public office in New Hampshire under our regular absentee ballot law. Since that time the broadening sphere of our military operations and the difficulty of contacting so many of our men in far away places have made it necessary to advance the date of the primaries and improve and simplify the methods by which the soldier may cast his ballot.

The Secretary of War and Secretary of the Navy in a joint statement have stated that "the policy of the Army and Navy is to assist and encourage service men to vote, so far as practicable and compatible with military operations. Nothing must interfere with the Services' primary obligation to wage a victorious war." In referring to the time necessary to forward the ballot to the service men, the joint statement recommends the following time limits, "1. To service men inside the United States, at least thirty days before the election. 2. To service men outside the United States, at least forty-five days before the election." These limits are suggested as a "minimum time interval, based on air carriage to and from service men. Because air carriage is not always practicable or compatible with military operations, forty-five days may be an insufficient time interval and a longer time interval is desirable." Assuming this estimate is correct, ample time must be allowed after the primary for publishing the results of the primary, for holding state conventions, holding recounts, filing nomination papers, making appeals and holding the National Conventions. Also, ample time must be allowed in which to prepare the ballots and other materials, send them to the men in the services and have them returned in time to be counted at the biennal election. It is expected that the printing of the ballots can be completed by August 22nd if the legislature elects to adopt my proposed recommendation that the primary be held the second Tuesday in June. This is seventy-seven days prior to the election. In view of the joint statement of the Secretary of War and the Secretary of the Navy, which I have quoted, suggesting that the minimum time of forty-five days may be insufficient, and that a longer time interval is desirable, seventy-seven days is by no means too long a period to assure the delivery of the ballots to our men in the services.

I have prepared and am recommending for your consideration three bills making the changes which I believe are necessary to make it possible for our service men to cast their votes in the coming election. I wish to express my appreciation to the Attorney General, Stephen M. Wheeler, Secretary of State, Enoch D. Fuller, and Mr. Donald Knowlton, Legislative Counsel for the last two sessions, for their assistance in the preparation of these bills, and for valuable suggestions made by members of this Legislature. My remarks therefore will be directed largely to a discussion of the three bills which have been printed and distributed to you for consideration at this session.

I am sure you will agree with me, that service men who have reached their twenty-first birthday by election time this year and are not registered, should be allowed to register. If this were permitted for service men only, it would raise a question of constitutionality, in that it is discrimination between two classes of absentee voters. Accordingly, I am submitting to you a bill permitting absentees to register by affidavit, entitled, "An Act Relating to Absentee Voting." Section 1 of the bill amends section 61 of chapter 34 of the Revised Laws which relates to the form of the affidavit appearing on the application for absentee ballots and the form of the affidavit appearing on the envelope in which the ballot is put after it is cast. The form of the affidavit which applies to those who are already registered is unchanged but the affidavit which applies to those who are not registered is changed so as to disclose sufficient information from which the supervisors of the check-list can determine whether the absentee voter is entitled to registration. The new information required relates to the proposed voter's citizenship, age and legal residence. It also covers the requirement that he should be able to read and write.

The question has been raised as to whether it would be desirable to lower the age limit for voting from twenty-one years to eighteen years. Much as we might wish to do this, it cannot legally be done, without a constitutional amendment according to the opinion of the Attorney General, who states that the age limit for voting has been established by the constitution.

The second bill which I am submitting to you sets up a method of voting for the service men. It provides a simplified procedure for applying for ballots and permits those who have become twenty-one since the last election to register. This bill is entitled "An Act to Provide for Absentee Voting for Persons in the Armed Forces and Civilians Serving Therewith." Section 1 of the act amends the present provision of our law which requires the oath submitted with the ballot to be taken before an officer in the army of a rank higher than first lieutenant and in the navy of the rank higher than a lieutenant of the second grade. The suggested provision permits the oath to be taken by those holding the rank of sergeant or higher in the army and those holding the rank of petty officer or higher in the navy. It provides also that members of the merchant marine may take the oath before whoever may be designated for this purpose by the Administrator of the War Shipping Administration.

This simplified method of voting applies to those known as war absentees. Section 2 of the bill adds various new sections to our present statute. The first of these known as section 73a defines what is meant by war absentees and sets forth a description of those who are permitted to cast a war ballot. They are described as members of the armed forces and the merchant marine of the United States and persons serving with the American Red Cross, the Society of

Friends, the Women's Auxiliary Service Pilots and the United Service Organizations. The persons last described must be outside of the United States and attached to and serving with the armed forces. This includes the same groups of people covered by the statute recently passed by Congress granting a federal ballot.

Section 73b provides for a war ballot to be prepared by the Secretary of State which shall be like the official ballot except that he shall have the right to determine its size, weight, type and color. This is to permit the preparation of the kind of a ballot which the army and navy will undertake to transmit.

The joint statement of the Secretary of War and Secretary of the Navy indicates that they will undertake to transmit to the service men voting material, not to exceed the following maxima: "1. Total weight of covering envelope and inclosed outer envelope, inner envelope, ballot and voting instructions—8/10 of one ounce. 2. Outer dimension of such covering envelope (No. 10 size)—4-1/8 in. x 9-1/2 in."

Section 73c provides a new method for applying for war ballots. It does away with formal applications because it would be impractical to require men in foreign service to ask for an application to be mailed to them and then be obliged to return the application before the ballot is sent. The time is too short for such a procedure. Application may be made in any form, either by the soldier or someone on his behalf. The only thing required is that his name, service organization, service address and legal voting residence be disclosed. This is so that the Secretary of State may determine whether he is qualified to receive a ballot and where it should be sent. Section 73d provides that the supervisors must furnish the Secretary of State such information as he may need

to permit him to determine the proper ballot to be sent.

Section 73e provides the method by which the soldier shall mark his ballot. This is similar to the provision of our civilian absentee ballot law, except that a provision has been inserted to permit a voter who is unable to mark his ballot because of blindness or other physical disability to obtain the assistance of the official before whom he votes in marking his ballot. This official must certify that he has assisted him.

Section 73f provides that the Secretary of State shall send the envelope containing the war ballot to the proper city or town clerk and section 73g sets forth the procedure to be followed by the clerk after the receipt of the envelope. It also provides that the affidavit on the outside of the envelope shall be used to determine the voter's qualifications to be registered and requires the supervisors to place the voter's name on the checklist if he is not already registered. The supervisors then return the ballots to the clerk who checks them with the mailing envelopes to see that all have been returned. The two envelopes are then attached and delivered on election day to the moderator for counting.

Section 73h of the bill authorizes New Hampshire officials to perform any acts which they may be required to perform by the federal statute to the end that the federal ballot may be acceptable in New Hampshire if the voter cannot vote the state ballot.

Section 73i permits the use of a federal ballot if the voter has been unable due to the emergency conditions of the war to cast a state ballot.

The third bill which I am submitting to you provides a change in the dates of the primary and the other dates dependent upon that date, and is entitled "An Act to Facilitate Absentee Voting by Changing the Date of the Primary." The bill provides in section 1 that the date of the primaries be advanced from the second Tuesday in September to the second Tuesday

in June. This date does not seem to me to be too early. It would not be practical to select a time later than June, although it might be possible to choose a date later in June. This is obvious when it is remembered that the preparation and printing of the ballots is a sizable task and cannot be completed before August 22nd, even if the primary is held on June 13th.

Section 2 of the bill reduces the time from sixty to fifty days within which the secretary of state shall give notice of the holding of the primary. This is made necessary because of the short time remaining before the primary is held. Section 3 reduces the time for the beginning of the filing of declarations of candidacy by the candidate by a period of ten days.

Advancing the date of the primary makes it necessary to change the form for primary petitions which is now provided for by statute. This wording now describes the date of the primary as in September. Section 4 of the act which I am submitting to you amends this form by replacing the word "September" with the word "June."

Section 5 reduces the period for filing supplementary petitions on behalf of a candidate from forty-six to thirty-six days. Section 6 reduces the last date for the filing of declarations and petitions to thirty-six days.

Our law as it is at present requires the supervisors to be in session for the purpose of changing the registration of party members not less than ninety nor more than one hundred days prior to the primary. There does not seem to be any sufficient reason why the period should be so long, and in order to permit the holding of such sessions by the supervisors in due season after the passage of this law, section 7 reduces this period to not less than fifty nor more than sixty days prior to the primaries.

In order to make the present provisions of our law

with reference to registering names to be added to the check-list consistent with the dates for the holding of the sessions of the supervisors, the time limit in this provision has been changed similarly from ninety to fifty days. It also has been necessary to shorten the time limit within which a person may change his registration. Sections 8 and 9 shorten this period from ninety to fifty days.

Vacancies upon the ticket now may be filled by the party up to thirty days before the election. It is obvious that the ballots could not be printed in time unless this is changed. Section 10 establishes the period as twenty-one days after the primary.

The time for holding State Conventions is now established as not earlier than the third Tuesday of September nor later than the first Tuesday of October following a primary. In order to get the ballots out in time these dates have been changed to not earlier than the third Tuesday in June and not later than the first Tuesday in July. This is provided for in section 11. A change was necessary in the time for filing nomination papers. Our present law provides that nomination papers shall be filed with the Secretary of State thirty days prior to the day of election. This has been changed by section 12 to require nomination papers to be filed within twenty-one days after the primary. I cannot see any good reason why any more time will be needed.

Our statute at present provides that the Ballot-Law Commission shall be appointed by the Governor, with the advice of the Council, on or before the first of August. This has been changed in section 13 to require such appointments on or before the first day of May.

Certain penalties are provided for by our law to be imposed after complaints are made as to violations of the primary laws. These complaints are required

to be filed not later than the fifth of October. Under section 14 of the new bill this date has been changed to the twenty-first day following the primary. This completes the changes suggested by this bill.

In view of the fact that our service men may be in foreign lands for some period of time after the close of the war these bills are designed to take effect upon their passage and they have not provided for a date of termination. While they do in some respects relax the stringent requirements of our present law they do not seem to lower the safeguards established to insure proper voting.

I do not wish to take your time to review the happenings since the 1943 session adjourned, other than to give you a very few figures on the legislature's estimated revenue and actual revenue, and the estimated cost and actual comparable expense for the last fiscal year. The legislature estimated an unrestricted revenue for the fiscal year of 1943 of \$3,519,938.00, the actual revenue was \$3,739,859.00. You estimated that we would spend for general expenses of the state \$10,000,913.00, the actual comparable expense was \$9,458,439.00.

I have asked the Secretary of State to estimate for me the additional cost to his department, if the bills presented are passed and in effect during the coming election. He states that he will need approximately \$7,300.00 above that made available in the 1943 session. This amount can be provided by the Governor and Council from funds already available, without further legislation. I am, therefore, not asking for any money bill in connection with these changes.

In the call of the Special Session, I stated that, "It is necessary to provide especial legislation in order that our citizens in the armed forces may enjoy their constitutional privilege of the ballot, and I believe that

every opportunity should be given them to exercise this privilege." I have no other legislation which I believe justifies keeping four hundred seventy-nine men and women away from their war jobs. I am sure that the spirit of cooperation which made the last session the shortest session since 1931, will prompt you to give these measures your earnest, careful and speedy consideration. I am confident we will allow nothing we do here today, either by failing to provide a sufficient amount of time or by requiring complicated voting methods, to prevent even one of our fine young men and women in the most remote outpost, contributing so much to the cause of freedom, to exercise his right to vote.

On motion of Senator Kelley of District No. 1, the convention rose.

House

Leaves of Absence

Messrs. Neal of Meredith and Caldwell of Peterborough were granted leaves of absence for the session on account of illness.

Messrs. Patridge of Newfields and Ronan of Manchester were granted leaves of absence for the week on account of illness.

Messrs. Bills of Amherst and Matson of Concord were granted leaves of absence for the day on account of illness.

Resignation

The Speaker announced the following resignation:

Dear Mr. Speaker:

Having accepted a position with the Extension Service between the closing of the regular session and the opening of this Special Session, I find it necessary

to ask for a resignation from the House of Representatives.

Yours very truly,

MELLEN B. BENSON
of Conway

Committee Changes

The Speaker announced the following committee changes.

Mr. Cotton of Lebanon to the Committee on Judiciary.

Mr. Brown of Goffstown to the Committee on Transportation.

Mr. Tirrell of Goffstown to the Committee on Claims.

Recalled from the Senate

On motion of Mr. Angus of Claremont, the House requested the Senate to rescind its vote of concurrence, and return to the House for further consideration, Concurrent Resolution under Joint Rule No. 13.

Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to lay upon the table the request of the House of Representatives for the return of a Concurrent Resolution pertaining to Joint Rule No. 13.

Resolution

On motion of Mr. Mahoney of Ward 4, Manchester,

Resolved, That the Rules of the House be so far suspended as to permit the presentation of five Committee Reports not previously advertised in the Journal.

Introduction of Bills

Committee Reports

Mr. Normandin of Laconia, for the Committee on Rules, having considered the subject, reported the

following entitled bill, House Bill No. 343, An act relative to absentee voting, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Normandin of Laconia, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Normandin of Laconia, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 345, An act to facilitate absentee voting by changing the date of the primary, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

Mr. Hart of Wolfeboro, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 346, An act relating to the exemption from taxation of veterans, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means.

Mr. Hart of Wolfeboro offered the following resolution:

Resolved, That the Rules of the House be so far suspended that the printing of House Bill No. 346, An act relating to the exemption from taxation of veterans, and its reference to a committee be dispensed with, and the bill be placed on its third reading and final passage at the present time.

The question being on the resolution.

(Discussion ensued)

Mr. Hart of Wolfeboro spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

The bill was read a third time and passed, and sent to the Senate for concurrence.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes, with the recommendation that the bill be referred to the Committee on Ways and Means.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means.

Mr. Mills of Jaffrey offered the following resolution:

Resolved, That the Rules of the House be so far suspended that the printing of House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes, and its reference to a committee be dispensed with and the bill be placed on its third reading and final passage at the present time.

The question being on the resolution.

(Discussion ensued)

Mr. Mills of Jaffrey spoke in favor of the resolution. On a *viva voce* vote the resolution was adopted.

The bill was read a third time and passed, and sent to the Senate for concurrence.

On motion of Mr. Holden of Hanover,

Resolved, That the rules of the House be so far suspended as to permit the Committee on Judiciary to hold hearings on House Bills Nos. 343, 344 and 345 without previously advertising in the Journal.

Mr. Angus of Claremont moved that the rules be suspended to allow the introduction of a bill.

The question being on the motion.

(Discussion ensued)

Messrs. Angus of Claremont and Velishka of Nashua spoke in favor of the motion.

Two-thirds of the members having voted in favor thereof the motion prevailed.

Introduction of Bills

House Bill No. 348, An act relating to poll taxes.

Read a first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Hart of Wolfeboro, the rules were suspended and the Committee on Ways and Means was granted permission to hold a hearing on House Bill No. 348, An act relating to poll taxes, without previously advertising in the Journal.

Resolutions

On motion of Mr. Normandin of Laconia,

Whereas, this House has learned with great sorrow of the passing of the Most Reverend John B. Peterson, Catholic Bishop of New Hampshire, therefore

Be It Resolved, That the Speaker appoint a committee of four to serve with him in submitting suitable resolutions.

The Speaker appointed as members on such committee, Messrs. Normandin of Laconia, Wadleigh, of Milford, and Seymour of Carroll and Mrs. Charois of Greenville.

On motion of Mr. Emerson of Milford,

Resolved, That the Rules of the House be so far suspended as to grant the Committee on Judiciary the use of Representatives Hall to hold hearings on House Bills Nos. 343, 344 and 345.

On motion of Mr. Chandler of Gorham the House adjourned from the morning session.

The House was immediately called to order in afternoon session.

Afternoon

On motion of Mr. Weston of Hancock at 4:24 o'clock the House adjourned.

WEDNESDAY, MARCH 22, 1944

The House met at 10:15 o'clock.

Prayer was offered by the Chaplain.

Leave of Absence

Mr. McAllister of Keene was granted leave of absence for the remainder of the session.

Chaplain Appointed

The Speaker announced the appointment of the Reverend Richard F. Byers of Concord as Chaplain.

Senate Messages

A message from the Honorable Senate by its Clerk announced that the Senate had voted to return to the House of Representatives Concurrent Resolution pertaining to Joint Rule 13.

Resolution

Mr. Angus of Claremont offered the following resolution:

Resolved, That the House reconsider the vote whereby it passed Concurrent Resolution pertaining to Joint Rule No. 13.

The question being on the resolution.

(Discussion ensued)

Messrs. Angus of Claremont and Wiggin of Manchester spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Wiggin of Manchester offered the following concurrent resolution:

Resolved, By the House of Representatives, the Senate concurring, that the Joint Rules of the last regular session of the Legislature be the Joint Rules of this Special Session of the Legislature, unless otherwise ordered, except that no bill, joint resolution, or petition relating to new business, shall be received in either branch of the Legislature, unless reported by the Committee on Rules of either branch: provided, that this rule may be suspended in either House whenever a majority of the whole number of members present shall, on division, take vote in favor thereof, and not otherwise.

On a *viva voce* vote the concurrent resolution was adopted, and sent to the Senate for concurrence.

Senate Message

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the following Concurrent Resolution:

Resolved, By the House of Representatives, the Senate concurring, that the Joint Rules of the last

regular Session of the Legislature be the Joint Rules of this Special Session of the Legislature unless otherwise ordered, except that no bill, joint resolution, or petition relating to new business shall be received in either branch of the Legislature unless reported by the Committee on Rules of either branch, provided that this rule may be suspended in either House whenever a majority of the whole number of members present shall on division, take vote in favor thereof and not otherwise.

On motion of Mr. Sawyer of Woodstock, the House adjourned from the morning session.

The Speaker declared a recess.

After Recess

Resolution

On motion of Mr. Potter of Concord:

Resolved, That the Rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

Introduction of Bill

Mr. Potter of Concord, for the Committee on Rules, having considered the subject, reported the following entitled Bill, House Bill No. 349, An act advancing the primary election to facilitate the distribution of ballots among servicemen and other absentee voters, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

Resolution

On motion of Mr. Hart of Wolfeboro,

Resolved, That the Rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal.

Committee Report

Mr. Hart of Wolfeboro, for the Committee on Ways and Means, to whom was referred House Bill No. 348, An act relating to poll taxes, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *War Service Recognition.* Amend section 5 of chapter 201 of the Laws of 1943 by striking out the figure "1944" in the first line of said section and inserting in place thereof the figure, 1945, so that said section as amended shall read as follows: 5. *Special Poll Tax.* Beginning with April first, 1945, and continuing until termination is ordered, as hereinafter provided, there shall be assessed upon all taxable polls, as now or hereafter defined, within the state, a further tax of three dollars in addition to the poll tax now provided or which may be provided for by law, such additional tax to be assessed, levied and collected in accordance with the laws relating to poll taxes. A separate account of such additional tax shall be kept by the several towns and cities to the State Treasurer, on or before the first day of December of the several years, and the State Treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on said dates last mentioned. The State Treasurer shall keep all funds accruing from the collection of the special poll tax provided for by this section in a separate account from which he shall pay the indebted-

ness incurred under the provisions of this act, as the same shall become due. Any balance in said separate account, after making the payments authorized hereunder, shall not be used for any other purposes than for benefits or assistance to veterans to such an extent as the legislature may authorize. The assessment and collection of said additional poll tax provided for herein shall cease when the Legislature or, if the Legislature is not in session, the Governor and Council shall determine that sufficient funds have been collected to make payments to veterans herein provided for.

The report was accepted.

The question being on the amendment.

(Discussion ensued)

Messrs. Hart of Wolfeboro and Angus of Claremont spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted and the bill ordered to a third reading.

Senate Message

A message from the Honorable Senate, by its Clerk, announced that the Senate had passed the following Concurrent Resolution, in the passage of which it asked the concurrence of the House of Representatives:

Whereas, many of our young people between the ages of eighteen and twenty-one years are serving in the armed forces of the United States or working on the home front, and

Whereas, if they are old enough to work and fight they should be allowed to vote,

Now, Therefore Be It Resolved, by the Senate in General Court convened, the House of Representatives concurring:

That the President of the Constitutional Convention, now in recess, be and hereby is requested to call a meeting of said convention for the purpose of determining whether or not the question should be submitted to the voters to amend the constitution of this state to provide that the voting age be reduced from twenty-one to eighteen years of age.

The Concurrent Resolution was referred to the Committee on Judiciary.

On motion of Mr. Guay of Laconia, the rules were suspended, and the third reading of a bill by its title made in order.

Third Reading

House Bill No. 348, An act relating to poll taxes. Read a third time and passed, and sent to the Senate for concurrence.

On motion of Mrs. Rounds of Hill at 2:28 o'clock the House adjourned.

THURSDAY, MARCH 23, 1944

The House met at 10:15 o'clock.

Prayer was offered by the Chaplain.

Leaves of Absence

Mr. Mitchell of Deering was granted leave of absence for the day on account of important business.

Mr. Matson of Concord was granted leave of absence for Wednesday and Thursday on account of illness.

Mrs. Robertson of Hinsdale was granted leave of absence for the Session on account of important business.

Recess

On motion of Mrs. Otis of Concord, the House took a recess until 12:00 o'clock.

After Recess

On motion of Mr. Johnson of Northwood,

Resolved, That when the House adjourns this morning it adjourns to meet Saturday morning at 10.00 o'clock, and that when it then adjourns it adjourns to meet Tuesday morning at 10.15 o'clock.

On motion of Mrs. Brooks of Claremont at 12:12 o'clock, the House adjourned.

SATURDAY, March 25, 1944.

The House met at 10:00 o'clock.

The following letter was read by the Clerk:

Saturday, March 25, 1944.

Mr. Joseph A. Seymour,
Carroll, N. H.

Dear Sir:

I shall be unable to attend the session on Saturday morning. Will you kindly preside for me and oblige.

Yours respectfully,

SHERMAN ADAMS,
Speaker.

On motion of Mr. Charles L. Cushman of Orford, at 10:01 o'clock the House adjourned.

TUESDAY, MARCH 28, 1944.

The House met according to adjournment.

Prayer was offered by the Chaplain.

Leaves of Absence

Messrs. Hopkins of Laconia, and Matson of Concord were granted leaves of absence for the day on account of illness.

Mr. Lister of Wilmot was granted leave of absence for the session on account of important business.

Committee Report

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bill, House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

The report was accepted.

Resignation

The Speaker announced the following resignation.

Mr. Speaker:

Please accept my resignation as a member of the 1943-44 House of Representatives as I intend to enter the armed forces of the United States very soon.

Yours truly,

CLARENCE F. ADAMS,
of Manchester.

Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate had voted to concur with the House of Representatives in the passage of the

following entitled bill, sent up from the House of Representatives, House Bill No. 347, An act exempting widows of veterans of World War II from the payment of poll taxes.

Resolution

On motion of Mrs. Brungot of Berlin,

Resolved, That the Sergeant-at-Arms be instructed to procure a sufficient number of copies of the Manchester Union and the Concord Monitor for distribution of one copy to each member of the House on each working day for the remainder of the Special Session.

Recess

On motion of Mr. Guay of Laconia, the House recessed until 11:30 o'clock.

After Recess

Message from the Senate

A message from the Honorable Senate by its Clerk announced that the Senate concurred with the House of Representatives in the passage of the following entitled bill, with amendment, in the passage of which amendment the Senate asked the concurrence of the House of Representatives, House Bill No. 346, An act relating to the exemption from taxation of veterans.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1. *Veterans.* Amend section 29 of chapter 73 of the Revised Laws, as amended by chapter 174 of the Laws of 1943, by striking out said section and inserting in place thereof the following: 29. *Service Exemption.* Any veteran who is a resident of this state and who served for thirty days or more in any war in which the United States has been engaged, or in World War II, and received an honorable discharge from the service

of the United States in such war, and the wife or widow of any such veteran, in consideration or recognition of such service, shall be exempt each year from taxation upon his taxable property to the value of one thousand dollars; provided that before April fifteenth of each year he shall file with the selectmen or assessors his application therefor, under oath, on blanks prescribed by the state tax commission, showing that he and his wife do not own property, exclusive of any bona fide encumbrances thereon, to the value of five thousand dollars. In case such veteran shall satisfy the selectmen or assessors that he was prevented from filing said statement through accident, mistake or misfortune, said selectmen or assessors may receive such statement at a later date and grant an exemption thereunder. If such veteran is totally and permanently disabled from such service connection he and his wife or widow shall be exempt each year from taxation upon his taxable property to the value of three thousand dollars, provided he and his wife do not own property to the value of five thousand dollars, as hereinbefore provided. In case such veteran shall own taxable property in more than one town he shall take his exemption first in the town where he resides. If he does not own the exemption limit in value of taxable property in the town where he resides, he shall be entitled to take the balance of such exemption in any other town in the state where he owns taxable property.

The reading of the amendment having commenced, on motion of Mr. O'Shan of Laconia further reading of the amendment was dispensed with.

On motion of Mr. O'Shan of Laconia the House concurred in the amendment sent down from the Honorable Senate.

The bill was then sent to the Secretary of State to be engrossed.

On motion of Mrs. Downing of Littleton the House recessed until 12:00 o'clock.

After Recess

Resolution

On motion of Mr. Mahoney of Ward 4, Manchester.

Resolved, That the rules of the House be so far suspended to permit the presentation of four committee reports not previously advertised in the Journal.

Mr. Cotton of Lebanon, for the Committee on Judiciary, to whom was referred House Bill No. 343, An act relative to absentee voting, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Absentee Voting; Forms.* Prior to biennial election of 1944 the Secretary of State shall prepare in such quantities as he may deem necessary, the following papers:

I. Official absent voting ballots similar in form to the official ballot to be used at said election, and similarly endorsed, but printed on paper differing in color from that used for official or sample ballots.

II. Blank forms of application for such ballots worded as follows:

a. (To be used by absentee voters whose names are on the check-list) :

To the city or town clerk of
I, hereby apply for an official
absent voting ballot. I am a duly qualified voter, and
as I believe, entitled to vote in ward, city or
town

b. (To be used by absentees who wish to be registered):

To the city or town clerk of
I, hereby apply for an official
absent voting ballot. I believe I am entitled to be
registered as a duly qualified voter in ward,
city or town I am a citizen of the
United States having been born in the city or town
of in the State of
on the day of in the year
or having been naturalized on the day
of in the year at
in the State of and my legal
residence is and has been since
number on street in the city
or town of I can read and write or
I was a legal voter of this state on January 1, 1904.

Mail absent voter's ballot to:

(Signature)

(Street and number)

City or town, state)

In case of a voter physically disabled, the applicant
will also fill out the following: On account of physical
disability, I am unable to vote in person.

(Signature)

We, the undersigned, a majority of the registrars
of voters or supervisors of the checklist of the
..... of hereby certify that to
the best of our knowledge and belief, said,
is a duly qualified voter in said ward, city or town
of

.....
.....

Registrars of voters or supervisors of the checklist
of the of

III. Envelopes of sufficient size to contain the

ballots specified in paragraph I, on which shall be printed the oaths provided for in paragraphs IV and V.

IV. All persons voting by absentee ballot shall subscribe and take one of the following oaths:

a. (To be used by registered absentee voters) :

State of

County of ss

I do solemnly swear (or affirm) that I am the identical person who I represent myself to be; that I am a duly qualified voter in the city or town of, New Hampshire, in ward; that I have a legal voting residence therein; and that I can read and write, or that I was a legal voter of said state on January 1, 1904. So help me God.

(Signature)

b. (To be used by absentee voters who are not registered) :

State of

County of ss.

I do solemnly swear (or affirm) that I am the identical person whom I represent myself to be; that I am entitled to be registered and vote in the city or town of, New Hampshire, in ward; that I am a citizen of the United States having been born in the city or town of in the state of on the day of in the year or having been naturalized on the day of in the year at in the state of; that my legal residence is, and has been since, number on street in the city or town of; that I can read and write. So help me God.

(Signature)

V. All persons voting by absentee ballot shall also subscribe and take the following oath:

I do solemnly swear (or affirm) that I will be absent on election day from the city or town in which I am qualified to vote, or because of physical disability I will be unable to vote in person at said election; that I have marked, enclosed and sealed the within ballot as stated hereon by the person taking my oath. So help me God.

(Signature)

Subscribed and sworn to before me by the above affiant this day of 19.... in the city or town of State of , and I hereby certify that when I was alone with the affiant, the affiant in my presence marked the ballot without my seeing how he marked it, after which he sealed said ballot in this envelope. I had no communication with the affiant as to how he was to vote.

Name

Official Title

(Seal, if any)

(Physician's Certificate)

1..... of (address) hereby certify that I am the attending physician of the affiant, that I have made a careful examination and am satisfied that he is unable by reason of physical disability to vote in person.

(Signature)

VI. Envelopes of size sufficient to contain the preceding, addressed to the clerks of the several cities and towns within the state, upon which shall be printed, Enclosed is the ballot of an absent voter, and at the top thereof blank spaces for the name, address and voting place of the sender, with the words Name, Address and Ward appropriately printed thereon.

VII. Copies of this section and other laws relative to absentee voting with such explanatory matter and instruction as the secretary of state, with the approval of the attorney general, shall deem appropriate to carry into effect the purposes hereof.

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2. *Registration; Supervisors' Certificate.* When an application for an official absent voting ballot is received by the clerk of a city or town, he shall transmit it to the registrars of voters or supervisors of the check-list of said city or town, who shall examine the same and, if they believe the signer to be a duly qualified voter, shall place his name upon the check-list unless he is already registered, and shall execute the certificate thereon and return the application to said clerk. Said clerk shall deliver or mail the papers described in section 1 hereof to all persons whose applications are certified as herein provided and shall keep lists of the names and addresses, arranged by voting places, of all persons to whom official absent voting ballots have been sent. Copies of said lists shall be open to inspection and shall be posted at the polling places during the day of election.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3. *Laws Suspended.* Such provisions of chapter 34 of the Revised Laws as are inconsistent with the provisions hereof shall be suspended during the effective dates hereof.

4. *Takes Effect.* This act shall take effect upon its passage and continue in effect until July 1, 1945.

The report was accepted.

The reading of the amendments having commenced, Mr. Wiggin of Manchester offered the following resolution :

Resolved, That the rules of the House be so far suspended that further reading of the amendments be dispensed with.

The question being on the resolution offered by Mr. Wiggin.

(Discussion ensued)

Mr. Wiggin of Manchester spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

The question being on the amendments.

On motion of Mr. Wiggin of Manchester the amendments were adopted, and the bill ordered to a third reading.

Mr. Wadleigh of Milford, for the Committee on Judiciary, to whom was referred House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith, reported the same with the following amendments, and the recommendation that the bill as amended ought to pass :

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1. *Members of the Armed Forces and Civilians Serving Therewith.* Any war absentee as hereinafter defined voting as herein permitted may substitute for the jurat required by chapter 30 of the Revised Laws and transmit with the sealed ballot a written statement in such form as the secretary of state shall prescribe, setting forth the facts required, made before any commissioned officer, non-commissioned officer not below the rank of sergeant, or petty officer, in the

armed forces of the United States and any member of the merchant marine of the United States designated for this purpose by the administrator of the war shipping administration.

Further amend said bill by striking out the first paragraph of section 2 and by renumbering the paragraphs numbered 73-a to 73-i, inclusive, as sections 2 to 10, inclusive.

Further amend said bill by striking out the paragraph 73-b, as hereinbefore renumbered section 3, and inserting in place thereof the following:

3. *War Ballots.* The secretary of state shall prepare war ballots similar to the official ballot for the use of war absentees in such quantities as he may deem necessary together with envelopes upon which shall be printed the affidavits prescribed by an act passed at this special session of the legislature entitled, "An act relative to absentee voting." He shall determine their size, weight, type and color of paper.

Further amend said bill by striking out the paragraph 73-e, as hereinbefore renumbered section 6, and inserting in place thereof the following:

6. *Voting Procedure.* A war absentee who has received a war ballot may vote by mailing or causing to be delivered to the secretary of state such ballot marked and sworn to as follows: He shall deliver said ballot to any official authorized by law to administer oaths, or any officer described in section 1 hereof, for examination, who shall satisfy himself that it is unmarked and the voter shall not allow said official or officer to see how he marks it, and said voter shall mark said ballot in the presence of said official or officer and no other person. Said official or officer shall hold no communication with the voter, nor he with said official or officer, as to how he is to vote; provided, however, that in the case of any war

absentee who, because of blindness, or other physical disability, is unable to mark his ballot, such official or officer may assist him to mark his ballot as directed by said voter. Such official or officer shall certify on the outside thereof that it was so marked with his assistance, and shall thereafter give no information regarding the same. After marking the ballot, the voter shall enclose and seal the same in the envelope provided for that purpose. He shall then execute before said official or officer the affidavit on said envelope and shall enclose and seal the envelope containing the ballot in the return mailing envelope, endorse thereon his name and voting place, and shall then mail the envelope or cause it to be delivered to the secretary of state.

Further amend said bill by striking out section originally numbered 3 and inserting in place thereof the following new section:

11. *Laws Suspended.* Such provisions of chapter 34 of the Revised Laws as are inconsistent with the provisions hereof shall be suspended during the effective dates hereof.

12. *Takes Effect.* This act shall take effect upon its passage and continue in effect until July 1, 1945.

The report was accepted.

The reading of the amendments having commenced, Mr. Wiggin of Manchester offered the following resolution:

Resolved, That the rules of the House be so far suspended that further reading of the amendments be dispensed with.

The question being on the resolution offered by Mr. Wiggin.

(Discussion ensued)

On a *viva voce* vote the resolution was adopted.

The question being on the amendments.

On motion of Mr. Wiggin of Manchester, the amendments were adopted.

Mr. Seymour of Carroll offered the following amendments.

Amend section 1 by striking out the whole of said section and inserting in place thereof the following:

1. *Oath not Required by Members of the Armed Forces.* Amend chapter 34 of the Revised Laws by striking out section 73 and inserting in place thereof the following: 73. *Members of the Armed Forces and Civilians Serving Therewith.* Any war absentee as hereinafter defined voting as herein permitted, shall not be required to make any affidavit.

Amend section 73-b of Chapter 34 of the Revised Laws as inserted by section 2 of the bill, by striking out after the word "envelopes" in line 25 of the printed bill, the words "upon which shall be printed the affidavits prescribed by section 61" and inserting in place thereof the following: upon which shall be printed or typed the name of the voter together with his town or ward, so that said section as amended shall read as follows:

73-b. *War Ballots.* The secretary of state shall prepare war ballots similar to the official ballot for the use of war absentees in such quantities as he may deem necessary together with envelopes upon which shall be printed or typed the name of the voter together with his town or ward. He shall determine their size, weight, type and color of paper.

Amend section 73-e as inserted by section 2 of the bill by striking out the whole of said section and inserting in place thereof the following:

73-e. *Voting Procedure.* A war absentee who has received a war ballot may vote by mailing or causing to be delivered to the secretary of state, such ballot; provided, however, that in the case of any war absentee who, because of blindness, or other physical disability, is unable to mark his ballot, may ask the assistance of any officer to mark his ballot as directed by said voter. Such official or officer shall certify on the outside thereof that it was so marked with his assistance, and shall thereafter give no information regarding the same. After marking the ballot, the voter shall enclose and seal the same in the envelope provided for that purpose, and shall then mail the envelope or cause it to be delivered to the secretary of state.

Amend section 73-g as inserted by section 2 of the bill by striking out in lines 89, 90, 91 and 92 of the printed bill the words "The affidavit appearing on the outside of the envelope, if properly executed, shall be prima facie evidence of the voter's qualifications to become a voter," so that said section as amended shall read as follows:

73-g. *Registration of Voters.* Upon receipt of the envelope containing a war ballot the clerk of the city or town shall open and retain the mailing envelope and deliver the voting envelope to the registrars of voters or supervisors of the checklist of the voting place indicated thereon who shall examine the same. The registrars or supervisors of the checklist if satisfied of his qualifications shall place his name upon the checklist unless he is already registered. The registrars of voters or the supervisors of the checklist shall then return the envelopes unopened to the city or town clerk who shall see that they check in number with the mailing envelopes. Said clerk shall attach the two corresponding envelopes and shall deliver them to the moderator before the hour for the closing of the polls upon

election day to be counted. No war ballot shall be rejected by a moderator for the lack of an attached application.

The reading of the amendments having commenced, on motion of Mr. Seymour of Carroll, further reading of the amendments were dispensed with.

The question being on the amendments offered by Mr. Seymour.

(Discussion ensued)

Messrs. Seymour of Carroll, O'Shan of Laconia, Lea of Pembroke and Normandin of Laconia, spoke in favor of the amendments.

Messrs. Wiggin of Manchester, Emerson of Milford, Hewitt of Enfield, and Cotton of Lebanon, spoke against the amendments.

On a *viva voce* vote the amendments were not adopted.

Mr. Seymour of Carroll asked for a division.

A division being had, the Speaker declared the vote manifestly in the negative, and the amendments were not adopted.

Mrs. Brungot of Berlin offered the following amendment.

Amend paragraph II of section 2 of the said bill by striking out in line 11 of the printed bill the words "the Society of Friends" so that said paragraph as amended shall read as follows:

II. Persons serving with the American Red Cross, the Women's Auxiliary Service Pilots and the United Service Organizations, outside the United States who are attached to and serving with the armed forces of the United States.

The term "members of the merchant marine of the United States" shall mean persons employed as officers

or members of crews of vessels documented under the laws of the United States and persons enrolled for such employment with the United States war shipping administration.

The question being on the amendment.

(Discussion ensued)

Mrs. Brungot of Berlin spoke in favor of the amendment.

Messrs. Weston of Hancock and Emerson of Milford spoke against the amendment.

Mr. Mills of Jaffrey moved the previous question. The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered. The question being on the amendment offered by Mrs. Brungot of Berlin.

On a *viva voce* vote the amendment was not adopted.

Mrs. Brungot of Berlin demanded the Yeas and Nays but subsequently withdrew her demand.

The bill was then ordered to a third reading.

Mr. Holden of Hanover for the Committee on Judiciary, to whom was referred House Bill No. 345, An act to facilitate absentee voting by changing the date of the primary, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1. *1944 Primary Election.* A primary conducted by the regular election officers shall be held at the regular polling places in each town and ward in the state on Tuesday, July 11, 1944, for the nomination of all candidates to be voted for at the No-

vember, 1944, biennial election, except presidential electors. Said primary shall be governed by the provisions of chapter 33 of the Revised Laws except as hereinafter otherwise provided.

2. *Notice of the Primary.* On or before May 22, 1944, the secretary of state shall prepare and transmit to each town and ward clerk in the state a notice in writing, designating the offices for which candidates are to be chosen and delegates to the state convention to be elected.

3. *Primary Declarations.* The name of a candidate shall not be printed upon the official ballot for said primary unless not earlier than May 22, 1944, a declaration of candidacy shall have been filed by such candidate and the filing fee shall have been paid or the required number of primary petitions shall have been filed.

4. *Primary Petitions.* The name of any person shall be printed upon the primary ballot of any party, without the filing of a declaration or the payment of a fee, as a candidate for nomination by that party for any office indicated in the requisite number of primary petitions, as hereinafter provided, made by members of the party in the following form and filed in place of such declaration, together with the written assent of such person to the printing of his name on said ballot as requested in said petitions:

State of New Hampshire
County of , ss
City (Town) of

I do hereby join in a petition for the publication on the primary ballot of the name of
..... whose residence is in the city (town) of (ward, street and number, if in a city), in the county of

....., for the office of
to be voted for on Tuesday, the 11th day of July,
1944, and I certify that I am qualified to vote for a
candidate for said office, that I am a member of
the party, and am not at this
time a signer of any other similar petition for any
other candidate for the above office; that my resi-
dence is in the city (town) of
(ward, street and number, if in a city), in the
county of and that my oc-
cupation is I further certify
that I believe the above-named person is especially
qualified to fill said office.

(Signed)

State of New Hampshire

County of, ss.

City (Town) of

The above named
personally known to me, appeared and made oath
that the above petition, by him subscribed, is true.

Before me,

Justice of the Peace or
Notary Public.

5. *Supplementary Petitions.* Supplementary
primary petitions may be filed, but not later than
six o'clock in the afternoon of June 5, 1944, for
those to be filed with the secretary of state, and for
all others not later than six o'clock in the afternoons
of June 2, 1944.

6. *Filing Declarations.* Declarations of and as-
sents to candidacy and primary petitions to be filed
with the secretary of state shall be filed not later
than six o'clock in the afternoon of June 5, 1944,
and all others not later than six o'clock in the after-
noon of June 1, 1944, except as provided for supple-
mentary petitions in the preceding section.

7. *Sessions of the Supervisors.* The supervisors shall be in session for the alteration of the registration of party members and for making additions to such registration before said primary. The sessions shall be on two days, at least, and shall not be later than May 20, 1944, nor earlier than May 10, 1944.

8. *Party Registration.* Whenever names are added to the checklist the supervisors shall register the party membership of the voter if he desires such membership registered; but if such voter has already been registered in any town or ward in this state as a member of any party he shall not be registered as a member of a different party later than May 20, 1944. The party membership of each voter may be registered by writing in ink, after the name of such voter, the first three letters of the name of the party with which he registered.

9. *Change of Registration.* Any person whose party membership has been registered may change such registration by appearing in person before the supervisors of the checklist for his town or ward not later than May 20, 1944, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register. He may also change such registration at the 1944 primary, upon making oath or affirmation to the same effect, if challenged, but he shall not be permitted in such case to vote the ballot of any party at such primary.

10. *Filling Vacancies.* Vacancies upon any party ticket occurring after the 1944 primary shall be filed by the party committee of the state, county, town or ward, as the case may require, and such

committee shall file notice of the appointment made with the secretary of state before six o'clock in the afternoon of July 28, 1944. The names of persons so appointed shall be placed upon the official November election ballot. "Vacancies" for the purpose of this section shall mean only those cases where no candidate has filed and where the person whose name has been written in withdraws or refuses to accept the nomination.

11. *State Conventions, Date, Call and Purposes.* Not earlier than July 18, 1944, nor later than August 1, 1944, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, councilors, state senators, representatives and state delegates elected shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors and effecting an organization for the following two years. The names and residences of the presidential electors nominated by such convention shall be forthwith certified to the secretary of state by the chairman and clerk of the convention.

12. *Nomination Papers.* Nomination papers for the November election, 1944, shall be filed with the secretary of state on or before six o'clock in the afternoon of July 28, 1944, for all candidates for any office.

13. *Appointment of Ballot-Law Commission.* On or before May 1, 1944, the governor, with the advice of the council, shall appoint two persons from the two different political parties casting the largest number of votes at the preceding biennial election, who, with the attorney-general, shall constitute a board of ballot-law commissioners.

14. *Campaign Receipts and Expenditures; Penalties.* Any person who violates the provisions of sections 20 to 27, inclusive, of chapter 42 of the Revised Laws, shall be fined not more than five hundred nor less than one hundred dollars and imprisoned not less than thirty nor more than ninety days. Any person who alleges that any of the provisions of said sections relating to the primary has been violated may, not later than July 28, 1944, bring a proceeding in equity in the supreme court against the person alleged to have violated said provisions. To this proceeding the secretary of state shall be made a party defendant. The supreme court shall forthwith hear such proceeding and make final decision thereof, and if the court shall find that the defendant has violated any of such provisions, a decree shall be entered disqualifying the defendant from becoming a candidate at the ensuing election, and the vacancy thereby created shall be filled as provided by law. No candidate shall be entitled to the nomination or election until the sworn itemized statements required to be filed by him or in his behalf have been filed and published as provided in said sections.

15. *Laws Suspended.* Such provisions of chapter 33 of the Revised Laws and any other provisions of law relative to nomination of candidates inconsistent with the provisions hereof are hereby suspended during the effective dates hereof.

16. *Recounts.* The secretary of state shall fix a time for any recount after the 1944 primary not earlier than five days after the receipt of an application therefor and shall notify the opposing candidates thereof, and, as soon after the expiration of said five days as circumstances will permit, such

recount shall be held and conducted as recounts of votes cast at elections are.

17. *Posting of Checklists.* Notwithstanding the provisions of any existing law or special city charter or requirement for annual register of voters, the registrars or voters or supervisors of the checklist shall for the 1944 primary, in accordance with the provisions of section 5 of chapter 32 of the Revised Laws as amended by section 1, chapter 81, Laws of 1943, post the checklist used at the last election as corrected by them to the time of said posting. Further corrections to said lists shall be made in accordance with the provisions of sections 6, 6-a and 6-b of chapter 32 of the Revised Laws, as amended by chapter 81, Laws of 1943.

18. *Takes Effect.* This act shall take effect upon its passage and shall continue in effect until July 1, 1945.

The report was accepted.

Mr. Wiggin of Manchester moved that section one of the amendments be adopted.

The question being on the motion of Mr. Wiggin.

(Discussion ensued)

Mr. Wiggin of Manchester spoke in favor of section one of the amendments.

On a *viva voce* vote section one of the amendments was adopted.

The reading of the other amendments having commenced, on motion of Mr. Wiggin of Manchester further reading of the amendments was dispensed with.

The question being on the amendments, sections two to eighteen.

On a *viva voce* vote sections two to eighteen were adopted and the bill ordered to a third reading.

On motion of Mr. Wiggin of Manchester, the rules of the House were suspended and House Bills Nos. 343, 344 and 345 were made in order for a third reading, and final passage, by their titles, at the present time.

House Bill No. 343, An act relative to absentee voting.

House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith.

House Bill No. 345, An act to facilitate absentee voting by changing the date of the primary.

Severally read a third time and passed and sent to the Senate for concurrence.

Mr. Holden of Hanover, for the Committee on Judiciary, to whom was referred Concurrent Resolution relating to calling a session of the Constitutional Convention, reported the same with the following Resolution:

Resolved, That the House non-concur in the concurrent resolution sent down by the Honorable Senate.

The report was accepted.

The question being on the resolution of the committee.

Mr. Angus of Claremont moved that the concurrent resolution and its accompanying report be laid upon the table.

On a *viva voce* vote the motion was adopted.

On motion of Mr. Normandin of Laconia,

Resolved, That the rules of the House be so far suspended to allow the presentation of a committee report not previously advertised in the Journal.

Mr. Potter of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 350, An act legalizing the school district meeting held in the town of Peterborough, and presidential primary elections held in the cities of Berlin, Franklin and Laconia, with the recommendation that the bill be referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Judiciary.

On motion of Mr. Normandin of Laconia,

Resolved, That the rules of the House be so far suspended that the printing of House Bill No. 350, An act legalizing a school district meeting in the town of Peterborough and presidential primary elections held in the cities of Berlin, Franklin and Laconia, be dispensed with and that the bill be put upon its third reading, by title, and final passage at the present time.

The bill was read a third time and passed and sent to the Senate for concurrence.

Mr. Henderson of Durham in the Chair.

Resolution

Mr. O'Shan of Laconia offered the following resolution:

Concurrent Resolution Memorializing the Federal Hospitalization Board of the United States Veterans' Administration.

Whereas, there are a large number of war veterans residents of this state who are in need of hospital care and treatment, and

Whereas, there is a lack of sufficient facilities in the veterans administration hospitals in the New England

area to care for these men, many of whom need immediate hospitalization, and

Whereas, it is the established policy of the federal government to furnish hospital care and treatment to needy war veterans, and

Whereas, there are only three states in the Union, of which New Hampshire is one, that do not have within their borders a veterans hospital, therefore be it

Resolved, *By the House of Representatives in General Court convened and the Senate Concurring*:

That every effort be made by the Federal Government to assign a veterans hospital to the State of New Hampshire, and be it further

Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Director General of the Veterans' Administration, to Senator Styles Bridges, to Senator Charles W. Tobey, and Congressmen Foster Stearns and Chester E. Merrow.

On a *viva voce* vote the resolution was adopted and sent to the Senate for concurrence.

On motion of Mrs. Banfield of Moultonboro, the House adjourned from the morning session.

The House was immediately called into afternoon session.

Afternoon

On motion of Mr. Hart of Wolfeboro at 4:12 o'clock, the House adjourned.

WEDNESDAY, MARCH 29, 1944.

The House met at 10:15 o'clock.

Prayer was offered by the Chaplain.

Leaves of Absence

Messrs. Strong of Concord, and Anderson of Concord, Ward 3, were granted leaves of absence for the day on account of important business.

Mrs. Lazure of Berlin was granted leave of absence for the day on account of illness in the family.

Messrs. Hopkins of Laconia, and Hough of Lebanon, were granted leaves of absence for the day on account of illness.

Committee Report

Mrs. Batchelder of Hanover, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 346, An act relating to exemption from taxation of veterans.

House Bill No. 343, An act relative to absentee voting.

House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith.

House Bill No. 345, An act to facilitate absentee voting by changing the date of the primary.

The report was accepted.

Resolutions

Mr. Conant of Franklin offered the following resolution:

Resolved, That the House rescind its action whereby it passed House Bill No. 350, An act legalizing the school district meeting held in the town of Peterborough, and presidential primary elections held in the cities of Berlin, Franklin and Laconia.

The question being on the resolution.

(Discussion ensued)

Mr. Conant of Franklin spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Leclerc of Manchester asked for a division.

A division being had 227 members having voted in the affirmative and 31 members having voted in the negative, the resolution was adopted.

Mr. Conant of Franklin offered the following resolution:

Resolved, That the House rescind its action whereby it ordered House Bill No. 350 to a third reading, and that the bill be put back on its second reading.

The question being on the resolution.

(Discussion ensued)

Messrs. Conant of Franklin, Kimball of Manchester, and Clark of Canaan, spoke in favor of the resolution.

Messrs. Normandin of Laconia, and Douphinette of Franklin, spoke against the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Conant of Franklin offered the following amendment:

Amend the title by striking out all after the word "Peterborough" so that said title as amended shall read as follows:

An act legalizing the school district meeting held in the town of Peterborough.

Amend the bill by striking out all of section 2 and renumbering section 3 to read section 2.

The question being on the amendment.

(Discussion ensued)

Messrs. Myhaver of Peterborough, Clark of Canaan, and Anderson of Ward 7, Concord, spoke in favor of the amendment.

On a *viva voce* vote the amendment was adopted, and the bill ordered to a third reading.

Mr. Conant of Franklin offered the following resolution:

Resolved, That the rules of the House be suspended and the bill be put upon its third reading, by title, and final passage at the present time.

On a *viva voce* vote the resolution was adopted.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 343, An act relative to absentee voting.

House Bill No. 344, An act to provide for absentee voting for persons in the armed forces and civilians serving therewith.

House Bill No. 345, An act to facilitate absentee voting by changing the date of the primary.

Resolution

Mr. Smart of Ossipee offered the following resolution:

Resolved, That the Rules of the House be suspended to allow of the introduction of a bill.

The question being on the resolution.

(Discussion ensued)

Mr. Smart of Ossipee spoke in favor of the resolution.

On a *viva voce* vote the resolution was adopted.

House Bill No. 351, An act extending the time for the enforcement of the act relative to the method of assessment of real estate.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means.

Resolution

Mr. Smart of Ossipee offered the following resolution:

Resolved, That the rules of the House be so far suspended that the printing of House Bill No. 351, and its reference to a committee be dispensed with, and that the bill be put upon its third reading, by title, and final passage at the present time.

The question being on the resolution.

(Discussion ensued)

Messrs. Cotton of Barnstead, Connor of Henniker, and Seymour of Carroll, spoke in favor of the resolution.

Messrs. Wiggins of Manchester, Whitcher of Whitefield, Blandin of Bath and Hart of Wolfeboro, spoke against the motion.

Mr. Henderson of Durham in the Chair

Messrs. Wadleigh of Milford and Lea of Pembroke spoke in favor of the resolution.

Messrs. Chandler of Warner and Gage of Manchester spoke against the resolution.

On a *viva voce* vote the resolution was adopted.

Mr. Hart of Wolfeboro asked for a division.

A division being had, 221 members having voted in the affirmative and 53 members having voted in the negative, the resolution was adopted.

The bill was then read a third time and passed, and sent to the Senate for concurrence.

Resolution

On motion of Mr. Nelson of Hopkinton,

Whereas, The House of Representatives has learned with sorrow of the death of a former member, William H. Milton, Representative from Hopkinton, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Bt It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

Concurrent Resolution

Mr. Mills of Jaffrey offered the following concurrent resolution:

**Concurrent Resolution Memorializing the
Commissioner of National Cemeteries,
Washington**

Whereas, The National government has recently purchased additional acreage at Arlington National Cemetery at Washington and suggested the establishment of national cemeteries in the various states, and

Whereas, The creation of a national cemetery in New Hampshire would be of great comfort to the families of our brave sons and daughters who have laid down their lives for their country, and

Whereas, Immediate action should be taken on this highly important matter, therefore be it

Resolved, By the House of Representatives in General Court convened and the Senate Concurring:

That every effort be made by the Federal Government to assign a national cemetery to the State of New Hampshire, and be it further

Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Commissioner of National Cemeteries, to Senator Styles Bridges, to Senator Charles W. Tobey, and to Congressmen Chester E. Merrow and Foster Stearns.

On a *viva voce* vote the concurrent resolution was adopted and sent to the Senate for concurrence.

On motion of Mrs. Greene of Concord, the House took a recess until 12:00 o'clock.

After Recess

Resolution

On motion of Mr. Wiggin of Manchester,

Resolved, That the rules of the House be so far sus-

pended as to permit the introduction of two committee reports not previously advertised in the Journal.

Introduction of Bills

Mr. Guertin of Nashua, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 352, An act relating to sickness and non-industrial accident compensation, with the recommendation that the bill be referred to the legislature of 1945.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Legislature of 1945.

Committee Appointed

The Speaker appointed a committee of three to consist of Messrs. Oakes of Claremont, Swenson of Concord and Velishka of Nashua, to co-operate and advise with the Commission on Disability Benefits in order that House Bill No. 352, An act relating to sickness and non-industrial accident compensation, or similar legislation, may be presented to the 1945 Legislature for its consideration.

Mr. Wiggin of Manchester, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 353, An act authorizing the Hampstead School District in the town of Hampstead to issue notes or bonds for school purposes, and to exceed its debt limit, with the recommendation that the bill referred to the Committee on Judiciary.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Judiciary.

On motion of Miss Spollett of Hampstead.

Resolved, That the rules of the House be so far suspended as to dispense with the printing of House Bill

No. 353, An act authorizing the Hampstead School District in the town of Hampstead to issue notes or bonds for school purposes, and to exceed its debt limit, be put upon its third reading and final passage, by title, at the present time.

The bill was read a third time and passed, and sent to the Senate for concurrence.

Resolution

Mr. Thomas of Berlin offered the following resolution:

Resolved, That the rules of the House be suspended to allow the introduction of a bill.

On a *viva voce* vote the resolution was adopted.

Mr. Stafford of Laconia asked for a division.

A division being had, 173 members having voted in the affirmative, and 101 members having voted in the negative, the resolution was adopted.

Introduction of Bill

House Bill No. 354, An act relating to soldiers' bonus.

The report was accepted, the bill read a first and second time, laid upon the table to be printed, and referred to the Committee on Ways and Means.

Resolution

Mr. Thomas of Berlin offered by the following resolution:

Resolved, That the rules be suspended and the printing of House Bill No. 354, An act relating to soldiers' bonus, and its reference to a committee be dispensed with, and that the bill be put upon its third reading, by title, and final passage at the present time.

The question being on the resolution.

(Discussion ensued)

Messrs. Thomas of Berlin, Angus of Claremont, Velishka of Nashua and Seymour of Carroll, and Mrs. Brungot of Berlin, spoke in favor of the resolution.

Messrs. Hart of Wolfeboro, Hobbs of North Hampton, and Cotton of Lebanon, spoke against the motion.

Mr. Nelson of Sutton moved the previous question.

The question being, Shall the main question now be put?

On a *viva voce* vote the previous question was ordered.

The question being on the resolution.

On a *viva voce* vote the resolution was not adopted.

Mr. Lalumiere of Manchester asked for a division, but subsequently withdrew his demand.

Mr. Thomas of Berlin moved that the House resolve itself into a Committee of the Whole.

The question being on the motion of Mr. Thomas.

(Discussion ensued)

Messrs. Thomas of Berlin, and Cotton of Lebanon, and Jones of Lebanon, spoke in favor of the motion.

On a *viva voce* vote the motion prevailed and the House resolved itself into a Committee of the Whole.

Committee of the Whole House

Mr. Henderson of Durham, for the Committee of the Whole, to whom was referred House Bill No. 354, An act relating to soldiers' bonus, reported the same with the following amendment, and the recommendation that the bill as amended ought to pass.

Amend section 1 by striking out in the fourth line the figures "\$1,000,000" and inserting in place thereof the figures, \$600,000. Further amend by striking out

in the seventeenth, eighteenth and nineteenth lines the following: "During the validity of this act, the Rockingham Race Track may continue horse racing, under chapter 171 of the revised laws" so that said section as amended shall read as follows:

1. Amend chapter 201 of the Laws of 1943 by striking out section 5 and inserting in place thereof the following: 5. *Special Fund.* Beginning January 1, 1944, and continuing until the termination is ordered, \$600,000 yearly shall be earmarked "Special Veterans Fund," from the proceeds of the Rockingham Race Track, which would normally be turned over to the state treasurer as their share from Pari Mutual Racing in the state and deposited with the State Treasurer, who shall keep a separate account from which he shall pay the indebtedness incurred under the provisions of this act, as the same shall become due. Any balance in said separate account, after making payments authorized hereunder, shall not be used for any other purpose than for benefits or assistance to veterans to such an extent as the Legislature may authorize. The collection for this fund shall cease when the Legislature or, if the Legislature is not in session, the Governor and Council shall determine that sufficient funds have been collected to make payments to veterans as herein provided.

Mr. Potter of Concord moved that the bill and its accompanying amendments be indefinitely postponed.

On a *viva voce* vote the chair was in doubt.

Mr. Thomas of Berlin demanded the yeas and nays and the roll was called with the following result:

YeaS, 134

ROCKINGHAM COUNTY: Duffey, Smith of Brentwood, Fogg of Deerfield, Clark of Derry, Corson of Derry, Cushing, Hepworth, Morrison, Freeman, Ladd,

Sanborn of Fremont, Spollett, Merrill of Hampton, Redman, Creighton of Hampton Falls, Malloy, Keay, Parmenter, Watson, Hobbs, Johnson of Northwood, McDaniel, Holmes of Raymond, Tucker, Haigh, Peever, Rand, Scamman and Wheeler.

STRAFFORD COUNTY: Henderson of Durham, Chesley, Twombly, Rolfe, Margaret Dustin, Corson of Rochester, Berry.

BELKNAP COUNTY: Varney of Alton, Cotton of Barnstead, Lord, Varney of Gilmanton.

CARROLL COUNTY: Hill of Conway, Gale, Young and Hart.

MERRIMACK COUNTY: Morgan, Moore, Potter, Tenney, Roby, Tilton of Concord, Anderson of Concord Ward 7, Brunel, Bunten, Greene of Concord, Swenson, Fuller, Yeaton of Epsom, Conant, Connor, Rounds, Johnson of Hooksett, Nelson of Hopkinton, Hill of Loudon, Carr, Nelson of Sutton and Chandler of Warner.

HILLSBOROUGH COUNTY: Bills, Wilson, Wiggin of Bedford, Brown, Tirrell, Weston, Lievens, Cummings of Lyndeborough, Wiggin of Manchester, Kimball of Manchester, Jewett, Guertin, Shedd and Batchelder of Wilton.

CHESTER COUNTY: Bragg, Winslow, Miller, Clark of Harrisville, Chaplin, Duffy of Keene, Hall of Marlboro, Hale, Blake, Pierce, Billings, Ingham, Nelson of Winchester.

SULLIVAN COUNTY: Brooks, Oakes of Claremont, Beaman, Hastings, Hall of Newport, Harrington, Read, Gardner and Chase.

GRAFTON COUNTY: Rollins, Blandin, Lidstone, Pulsifer, Hewitt, Holden, Davison, McMeekin, Merrill

of Haverhill, Haley, Oakes of Landaff, Bryant, Cotton of Lebanon, Collins of Lisbon, Hamilton, Downing, Green of Littleton, Birch, Lamphere, Frazer of Monroe, Cushman, Day, Bell, Merrill of Plymouth, Robbins, Gilbert and Sawyer of Woodstock.

COOS COUNTY: Emerson of Dalton, Chandler of Gorham, Morris, Schurman and Martin of Stratford.

Nays, 153

ROCKINGHAM COUNTY: Jones of Chester, Darbe, Bretschneider, Pridham, Labranche, Sewall of Newmarket, Davis of Newton, Barrett, Dondero, Kittredge, Corey, Furber, Laighton of Portsmouth, Yeaton of Portsmouth, Whitman, Hopley, Burkhardt.

STRAFFORD COUNTY: Webster of Farmington, Lee, Longley, Miles Dustin, Beaudoin, Potvin, Lemay, Habel, Lauzon, Nadeau, Coffin.

BELKNAP COUNTY: O'Shan, Tarlson, Guay, Normandin, Tilton of Laconia, Ewing, Rogers.

CARROLL COUNTY: Perkins of Bartlett, Grindle, Dearborn, Banfield, Smart, Knox.

MERRIMACK COUNTY: Guilbeault, Phelps, Webster of Boscowen, Hirtle, Sanborn of Chichester, Jones of Concord, Otis, Corbett, Saltmarsh, Matson, Mayo, Harrison, Sargent, Lemire, Douphinett, Mulaire, Cheney, Spiller, Lea of Pembroke, Martel, Perkins of Pittsfield, Stilson.

HILLSBOROUGH COUNTY: Farwell, Michie, Cressy, Matheson, Adams of Greenfield, Charois, Craine, Crosby, Bergholtz, O'Dowd, Gage, Johnson of Manchester, Dwyer, Sullivan of Manchester ward 3, Kean, Mahoney of Manchester ward 4, Sullivan of Manchester ward 4, Creighton of Manchester, O'Brien, Dugan of Manchester, Gaumont, Leclerc, Ryan, Constant, Egan,

Caron, Getz, Gilmartin, McDonnell, Mullen, Lalumiere, Gagnon, Lesmerises, Thibodeau of Manchester, Wadleigh, Ramsdell, Underhill, Woodbury of Nashua, Record, Maynard of Nashua, ward 3, Garrity, Sullivan of Nashua, Bilodeau, Paquette, Betters, Lavoie, Myhaver, Peaslee.

CHESHIRE COUNTY: Wilson, Mills, Sayers, Oakman.

SULLIVAN COUNTY: Clark of Acworth, Hamlin, Angus, Baudry, Converse, Densmore, Pederson, Ramsay of Claremont, Bailey of Newport, Callum.

GRAFTON COUNTY: Brown, Clarke of Canaan, Kingsford, Jones of Lebanon, Lynch, Barney of Rumney, Morse.

COOS COUNTY: Moffett, Smith of Berlin, Bouley, Trottier, Brungot, Christiansen, Thomas, Bixby, Dugas, Seymour, Bailey of Colebrook, Cummings of Colebrook, Jackson of Columbia, Fraser of Gorham, Kimball of Jefferson, Cryan, Fogg of Milan, Rich, Merrill of Pittsburg, Forrest of Stewartstown, Taylor, Whitcher.

And less than two-thirds of the members elected and voting, and less than two-thirds of those present and voting either in the affirmative or negative, no valid action was taken, and the bill and its accompanying amendments, with the motion pending, went into unfinished business.

Taken from the Table

Mr. Sayers of Keene moved that the concurrent resolution pertaining to the calling of a constitutional convention be taken from the table.

On a *viva voce* vote the motion did not prevail.

Resolutions

Whereas, The House of Representatives has learned with sorrow of the death of John W. Harris of Concord, Chairman of the Barber's Board, therefore

Be It Resolved, That we extend our heartfelt sympathy to the bereaved family; and

Be It Further Resolved, That the Clerk transmit to them a copy of these resolutions.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Normandin of Laconia,

Whereas, This House has learned with great sorrow of the passing of The Most Reverend John B. Peterson, D.D., Bishop of the New Hampshire diocese, and

Whereas, Bishop Peterson has contributed in great measure to the welfare of the State of New Hampshire by his spiritual guidance and unerring judgment, and

Whereas, The inhabitants of our state mourn deeply at the passing of such an eminent personage, therefore

Be It Resolved, That when the House adjourns today it adjourn in memory of The Most Reverend John B. Peterson, D.D., and

Be It Further Resolved, That the Clerk transmit a copy of these resolutions to the Manchester Diocesan House.

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Lea of Pembroke,

Resolved, That the House of Representatives ask the New Hampshire delegation in Congress to oppose all measures which might infringe upon our present national liquor and beer distribution laws.

Measures to that end are now before Congress. Their passage, in all fairness to the many men in the armed forces who are unable to be at home to voice their own position, would be an injustice.

Resolved, also, That copies of this resolution be forwarded to each member of our delegation in the National House and Senate.

On a *viva voce* vote the resolution was adopted.

Message from the Senate

A message from the Honorable Senate, by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 350, An act legalizing a school district meeting in the town of Peterborough.

House Bill No. 353, An act authorizing the Hampstead School District in the town of Hampstead to issue notes or bonds for school purposes, and to exceed its debt limit.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bills, sent up from the House of Representatives:

House Bill No. 348, An act relating to poll taxes.

House Bill No. 351, An act extending the time for the enforcement of the act relative to the method of assessment of real estate.

The message also announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolutions:

Concurrent Resolution Memorizing the Federal Hospitalization Board of the United States Veterans' Administration

Whereas, there are a large number of war veterans residents of this state who are in need of hospital care and treatment, and

Whereas, there is a lack of sufficient facilities in the veterans administration hospitals in the New England area to care for these men, many of whom need immediate hospitalization, and

Whereas, it is the established policy of the federal government to furnish hospital care and treatment to needy war veterans, and

Whereas, there are only three states in the Union, of which New Hampshire is one, that do not have within their borders a veterans hospital, therefore be it

Resolved by the House of Representatives in General Court convened and the Senate concurring:

That every effort be made by the Federal Government to assign a veterans hospital to the State of New Hampshire, and be it further

Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Director General of the Veterans' Administration, to Senator Styles Bridges, to Senator Charles W. Tobey, and Congressmen Foster Stearns and Chester E. Merrow.

**Concurrent Resolution Memorializing the
Commissioner of National Cemeteries,
Washington**

Whereas, the National government has recently purchased additional acreage at Arlington National Cemetery at Washington and suggested the establishment of national cemeteries in the various states, and

Whereas, the creation of a national cemetery in New

Hampshire would be of great comfort to the families of our brave sons and daughters who have laid down their lives for their country, and

Whereas, immediate action should be taken on this highly important matter, therefore be it

Resolved, by the House of Representatives in General Court convened and the Senate concurring:

That every effort be made by the Federal Government to assign a national cemetery to the State of New Hampshire, and be it further

Resolved, That copies of this resolution be transmitted at once to the President of the United States, to the Congress of the United States, to the Commissioner of National Cemeteries, to Senator Styles Bridges, to Senator Charles W. Tobey, and to Congressmen Chester E. Merrow and Foster Stearns.

Resolutions

Resolved, That the Speaker of the House of Representatives is hereby instructed to obtain a ruling from the Supreme Court on the following two questions:

Does the General Court have a right to convene itself without the approval of the Governor and Council?

If the General Court has a right to convene without approval, what proper procedure is necessary?

On a *viva voce* vote the resolution was adopted.

On motion of Mr. Hewitt of Enfield,

Resolved, by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to a final adjournment on Wednesday, March 29, 1944, at 7 o'clock in the afternoon and that all reports, bills and joint resolutions pending at that time in either branch of the Legislature be in-

definitely postponed, except such bills as may be referred to the next Legislature.

On a *viva voce* vote the resolution was adopted.

Recorded Voting

Messrs. Hayes and Henderson of Berlin requested that they be recorded as voting No on the roll call on House Bill No. 354, An act relating to soldiers' bonus.

Mr. Kingsford of Hanover gave notice that he voted in error on House Bill No. 354 and intended to vote Yes on the question.

Resolution

On motion of Mr. Potter of Concord,

Resolved, That the rules of the House be suspended to allow the presentation of a committee report not previously advertised in the Journal.

Introduction of Bill

Mr. Potter of Concord, for the Committee on Rules, having considered the subject, reported the following entitled bill, House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944, with the recommendation that the bill be referred to the Committee on Appropriations.

The report was accepted, the bill read a first and second time, laid upon the table to be printed and referred to the Committee on Appropriations.

On motion of Mr. Potter of Concord,

Resolved, That the rules of the House be suspended and the printing of House Bill No. 355 and its reference to a committee be dispensed with and the bill be put upon its third reading, by title, and final passage at the present time.

The bill was read a third time and passed and sent to the Senate for concurrence.

On motion of Mrs. Caron of Manchester, the House adjourned from the morning session.

Afternoon

The House was called to order in afternoon session.

Unfinished Business

Mr. Thomas of Berlin called for the unfinished business.

The question being, Shall House Bill No. 354 and the accompanying amendments be indefinitely postponed?

Mr. Potter of Concord withdrew his motion to indefinitely postpone the bill and its accompanying amendments.

The question being on the report of the committee of the whole that the amendments as proposed by them be adopted.

On a *viva voce* vote the amendments were adopted and the bill ordered to a third reading.

Third Reading

On motion of Mr. Guay of Laconia the rules of the House were suspended and the third reading of House Bill No. 354 by its title, made in order at the present time.

The bill was read a third time and passed and sent to the Senate for concurrence.

Resolution

On motion of Mrs. Charois of Greenville,

Resolved, by the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the Special Session and is ready to receive any communication he may be pleased to make.

The Speaker appointed the following committee: Messrs. Matson of Concord, Hale of Rindge, Holden of Hanover, Peever of Salem, McDaniel of Nottingham and Frazier of Gorham, and Mrs. Otis of Concord, Mrs. Brooks of Claremont, and Mrs. Downing of Littleton, and Mrs. Charois of Greenville.

On motion of Mrs. Banfield of Moultonborough the House recessed until seven o'clock.

After Recess

Message from the Senate

A message from the Honorable Senate by its Clerk, announced that the Senate had voted to concur with the House of Representatives in the passage of the following concurrent resolution:

Resolved, by the House of Representatives, the Senate concurring, that the present session of the Legislature be brought to a final adjournment on Wednesday, March 29, 1944, at 7 o'clock in the afternoon and that all reports, bills and joint resolutions pending at that time in either branch of the Legislature be indefinitely postponed except such bills as may be referred to the next Legislature.

The message further announced that the Senate had voted to concur with the House of Representatives in the passage of the following entitled bill sent up from the House of Representatives:

House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944.

The message further announced that the Senate refused to concur with the House of Representatives in the passage of the following entitled bill, sent up from the House of Representatives:

House Bill No. 354, An act relating to soldiers' bonus.

The message also announced that the Senate had

voted to concur with the House of Representatives in the passage of the following concurrent resolution:

Resolved, by the House of Representatives, the Senate concurring, that a committee of ten be appointed to join with such committee as the Senate may designate to wait upon His Excellency, the Governor, and inform him that the Legislature has completed the business of the Special Session and is ready to receive any communication he may be pleased to make, and the President has appointed as members of such committee on the part of the Senate, Senators Avery, Frazier and Wilkinson.

Committee Appointment

The Speaker announced the following committee appointment:

Mr. Corson of Rochester to the Committee on Transportation.

Committee Report

Mr. Chandler of Warner, for the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the following entitled bills:

House Bill No. 350, An act legalizing a school district meeting in the town of Peterborough.

House Bill No. 353, An act authorizing the Hampstead School District in the town of Hampstead to issue notes or bonds for school purposes, and to exceed its debt limit.

House Bill No. 355, An act making appropriations for the Special Session of the Legislature of 1944.

The report was accepted.

Indefinitely Postponed

In accordance with the concurrent resolution pre-

viously adopted that all bills and joint resolutions pending in either Branch of the Legislature on the 29th of March at 7:00 o'clock be indefinitely postponed.

The following bill was indefinitely postponed, House Bill No. 349, An act advancing the primary election to facilitate the distribution of ballots among servicemen and other absentee voters.

Concurrent Resolution pertaining to the calling of a Constitutional Convention.

Mr. Matson of Concord, for the Joint Committee appointed to wait upon His Excellency, the Governor, and inform him that the Legislature had completed its duties, reported that they had attended to their duty and that the Governor informed them that he had a communication to lay before the House.

The report was accepted and immediately His Excellency, Robert O. Blood, Governor, appeared before the House and delived the following message:

Governor's Message

The Joint Committee of both Branches of the Legislature have informed me that you have completed the business of this Special Session and are ready to adjourn. The bills which you have passed have already received Executive approval, and it now becomes my duty to prorogue this session. Before making such pronouncement, I wish to express to you my appreciation of the coöperation which you have extended in providing the method whereby our citizens in the armed services can easily and conveniently exercise their right of franchise. In my message on the opening day of this Session, I outlined three principal objectives and presented to you three bills, which provided a method permitting absentees to register by affidavit, to establish a simple procedure under which the servicemen could vote for candidates to all state

offices, and to change the dates in our Election Laws to insure all servicemen, wherever located, sufficient time to perform this important function of citizenship. These objectives have been attained.

You have shortened the time limits established by our voting procedure and set a date for the Primaries which insures a sufficient period within which even those servicemen in the most remote places may return their ballots in time to be counted on Election day. Your efforts to this end and your determination to devote yourselves mainly to this purpose reflects credit on the membership of this legislative body. I am happy to express to you my appreciation for your co-operation in passing these bills for which this Special Session was called.

By virtue of the authority vested in me, I do now hereby adjourn this Special Session of the Legislature to the last Wednesday in December, in the year of Our Lord one thousand nine hundred forty-four.

ROBERT O. BLOOD,
Governor.

On motion of Mr. Kingsford of Hanover at 10:10 o'clock, the House adjourned until the last Wednesday in December, 1944.

CYRIL J. FRETWELL,
Clerk.

ADDENDUM

Pursuant to a resolution adopted on March 29, (page 85) authorizing the Speaker to obtain a ruling from the Supreme Court on the following two questions:

“1. Does the General Court have a right to convene itself without the approval of the Governor and Council?”

“2. If the General Court has a right to convene without approval, what proper procedure is necessary?”

The Speaker employed counsel to present both sides of the question at the May session of the Supreme Court.

On May 10 an opinion of the Justices was rendered as follows:

May 10, 1944.

Opinion of the Justices

On March 29, 1944, The House of Representatives, then assembled in special session, by authority of Article 50, Part II, of the Constitution, adopted the following resolution:

“Resolved, that the Speaker of the House of Representatives is hereby instructed to obtain a ruling from the Supreme Court on the following questions:

“Does the General Court have a right to convene itself without the approval of the Governor and Council?

“If the General Court has a right to convene without approval, what proper procedure is necessary?”

The following answer was returned:

To the House of Representatives:

The Justices of the Supreme Court make the following answer to the inquiries contained in your resolution of March 29, 1944, as to the right of the General Court to convene itself without the approval of the Governor and Council:

The Justices of this Court have many times declared that their advisory duty under Article 74, Part II, of the Constitution does not require them to furnish an opinion when the question submitted is not pending and awaiting action in the body propounding the inquiry. *Opinion of the Justices*, 90 N. H. 567. It is our conviction, however, that the reasons which require adherence to this rule do not exist in the present instance. Unlike the question considered in the above-cited opinion, the immediate inquiry is not made solely for the benefit of the next session of the Legislature. To quote the language of counsel: "An unforeseeable emergency, produced by the war, made necessary the assembly of the legislature for the special session recently adjourned. It is impossible to predict whether or when another such occasion will arise, and it may well be within the life of the present general court." Should such an occasion arise, no opportunity would then be afforded to obtain the advice now sought.

Moreover, the question itself differs materially from most questions on which the members of the Court have declined to express advisory views. Usually such questions have related to the legality of proposed legislation, and if the General Court has adjourned while the inquiry is pending and there is no reasonable expectation of a subsequent session of the same Legislature, an answer has been deemed futile. *Opinion of the Justices*, 84 N. H. 584; *Opinion of the Justices*, 86 N. H. 607. Here, however, the question propounded relates to the constitutional authority of the General

Court itself, and since there is a possibility, even though it be remote, that our opinion may be of use to the present Legislature in the performance of its official duty, we deem it obligatory on our part to return an answer. *Opinion of the Justices*, 79 N. H. 535. See also, *Opinion of the Justices*, 67 N. H. 600. Nor are precedents lacking for the return of an opinion after adjournment of the regular legislative session where the opinion has been requested for the guidance of the Legislature at a possible special session or at the next regular one. *Opinion of the Justices*, 84 N. H. 557; *Opinion of the Justices*, 84 N. H. 559, 522. See Journals N. H. Senate and House, 1929, p. 838; 1930, p. 3.

Article 3, Part II, of the Constitution contains the following provision: "The senate and house shall assemble biennially on the first Wednesday of January and at such other times as they may judge necessary." These words are plain, simple, and direct. They cannot be construed to mean that the General Court is without authority to reassemble of its own volition after the adjournment of the regular session. They are to be read, however, in connection with Article 50, which provides that the Governor, with the advice of the Council, "shall have full power and authority, in the recess of the general court, to prorogue the same from time to time, not exceeding ninety days, in any one recess of said court."

We interpret the word "recess" to mean the period during which the General Court is not assembled either in regular or special session. The word "prorogue" appears to have been used in its original, primary sense of protract, prolong, or extend. See Webster's New International Dictionary (2d ed.). It follows that although the General Court has the power to convene without the consent of the Governor and Council, the date of its reassembling may be postponed by

executive action under the authority of Article 50. This is but a typical example of the various checks and balances with which the Constitution abounds.

The procedure by which the General Court may call itself into special session is for the Senate and House of Representatives to decide, either by concurrent resolution or other appropriate action if the Legislature is in session, or, if not in session and no specific provision for reassembling exists, by some method which recognizes the rights of all members. As suggested in the brief of counsel, it is not our province to devise a proper method. Our authority is limited to advice on the correctness or incorrectness of specific acts contemplated by the body requesting our opinion. In this connection, however, your attention is called to *Opinion of the Justices*, 303 Mass. 664, 675, in which the Justices of the Supreme Judicial Court of Massachusetts, answering a somewhat similar inquiry propounded by the General Court of that commonwealth, declare: "An essential feature of the method, however fixed, is that every member of each branch of the General Court shall have a reasonable opportunity to express in an orderly manner his opinion as to the necessity for a special session on a specified date."

THOMAS L. MARBLE,
OLIVER W. BRANCH,
ELWIN L. PAGE,
HENRI A. BURQUE,
FRANCIS W. JOHNSTON.

May 10, 1944.

Alexander Murchie and Johnson Piper furnished briefs and argued the questions orally.

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